

REMARKS

Applicant notes with appreciation the indication that claims 28-30, 35-40, 44-47 and 51-53 are allowable. However, each of the pending claims is believed allowable for the reasons set forth below.

Claims 27-54 are pending in the application.

Claims 27, 31-34, 41-43, 48-50 and 54 were rejected under 35 USC §102(e) as being anticipated by KOZICKI et al. U.S. Publication No. 2004/0124407.

KOZICKI is a continuation-in-part (C-I-P) of Application No. 10/390,268, which was filed on March 17, 2003. That application is itself a C-I-P of Application No. 10/268,107 filed on October 9, 2002, which in turn claims priority of a series of yet-earlier applications.

KOZICKI is not available as prior art as of its earlier claimed priority dates to the extent that the disclosure being relied upon first appeared in a subsequent filing.

In this case, the disclosure of the electrolytes remaining supersaturated after a write operation as set forth in paragraph [0083] of KOZICKI appears to be present for the first time in Application No. 10/458,551, filed June 9, 2003. In particular, in U.S. Patent No. 6,927,411, which issued from the immediate parent of KOZICKI, no such disclosure appears.

Accordingly, as to this subject matter, KOZICKI appears to be prior art as of its June 9, 2003 filing date.

On the other hand, applicant claims priority to Japanese Patent Application No. 2003/015014 filed January 23, 2003. This date antedates KOZICKI's effective filing date of June 9, 2003.

Applicant submits herewith a verified English translation of the Japanese priority document to perfect the claim to priority and remove KOZICKI as a prior art reference.

As each of the rejected claims was rejected in view of KOZICKI and as said reference is unavailable as prior art, the rejection of record cannot be maintained.

In view of the foregoing remarks, it is believed that the present application is in condition for allowance and reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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APPENDIX:

The Appendix includes the following item:

- a verified English translation of foreign priority document